

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Standardized and Enhanced Disclosure)	MM Docket No. 00-168
Requirements for Television Broadcast)		
Licensee Public Interest Obligations)	
)	
Extension of the Filing Requirement)	MM Docket No. 00-44
For Children's Television Programming)	
Report (FCC Form 398))	

To: Secretary, Federal Communications Commission
Attention: The Commission

**JOINT PETITION FOR RECONSIDERATION
OF PTV LICENSEES**

Alabama Educational Television Commission, Alaska Public
Telecommunications, Inc., Arkansas Educational Television Commission,
Board of Governors of Missouri State University, Board of Trustees for San
Diego State University, Board of Trustees of Community College District No.
508, County of Cook and State of Illinois, Board of Trustees of the University
of Illinois, Central Michigan University, District Board of Trustees,
Pensacola Junior College, Eastern New Mexico University, Greater
Chattanooga Public Television Corp., Greater Cincinnati Television
Educational Foundation, Greater Dayton Public Television, Inc., Greater
Washington Educational Telecommunications Association, Hampton Roads
Educational Telecommunications Association, Inc., Illinois Valley Public

Telecommunications Corporation, Iowa Public Broadcasting Board, Hawaii Public Television Foundation, Kansas Public Telecommunications Service, Inc., KCTS Television, Kentucky Authority for Educational Television, KVIE, Inc., Lehigh Valley Public Telecommunications Corporation, Maine Public Broadcasting Corporation, Michiana Public Broadcasting Corp., Milwaukee Area Technical College District Board, Mountain Lake Public Telecommunications Council, Nebraska Educational Telecommunications Commission, Northeastern Educational Television of Ohio, Inc., Northeastern Pennsylvania Educational Television Association, Northern Minnesota Public Television, Inc., The Ohio State University, Ohio University, Oklahoma Educational Television Authority, Prairie Public Broadcasting, Inc., Public Broadcasting Council of Central New York, Public Broadcasting of Northwest Pennsylvania, Inc., Public Television 19, Inc., Regents of New Mexico State University, Regents of the University of New Mexico and Board of Education of the City of Albuquerque, New Mexico, Rocky Mountain Public Broadcasting Network, Inc., Sistema Universitario Ana G. Mendez, Inc., Smoky Hills Public Television Corp., South Carolina Educational Television Commission, St. Louis Regional Educational and Public Television Commission, State of Wisconsin – Educational Communications Board, University of Alaska, University of Houston System, University of Michigan, University of Nebraska, University of Wisconsin System, Washington State University, West Central Illinois Educational Telecommunications Corporation, Window to the World Communications, Inc., WITF, Inc., WNIN

Tri-State Public Media, Inc. and WSKG Public Telecommunications Council (collectively, “PTV Licensees”), by their attorneys, and pursuant to Section 1.429 of the Commission’s rules, respectfully petition for reconsideration of certain aspects of the *Report and Order* in the captioned proceeding, FCC 07-205 (released January 24, 2008), adopting a standardized programming report form to replace the existing quarterly issues/programs lists for all television broadcasters, including public television stations. The PTV Licensees also seek clarification of accessibility requirements for public file materials on their websites.

The PTV Licensees are public and private universities and university systems, state educational communications authorities, boards and commissions, community and technical college districts, and non-profit community-based educational telecommunications entities. Collectively, they are licensees of 153 full power public television stations, over which they provide an incredible array of services to their communities.

Standardized Television Disclosure Form Requirements

In the *Report and Order*, the Commission decided to require all full power television stations (including public television stations) to complete new quarterly reports on their programming, ownership, and ascertainment efforts, to place and maintain a significant portion of their public inspection files on their station websites, and to publicize the public file’s existence through twice daily on-air announcements.

The PTV Licensees have studied the reporting requirements established by the Commission and have come to believe that, in the case of public television stations, the requirements are surprisingly and extraordinarily burdensome, so much so that the cost in resources and the resulting negative impact on station's finances and operations will be hugely out of proportion to any possible value to be achieved. This is particularly true in view of the amount and richness of responsive programming services that are provided by public television stations, consistent with their mission and history, and the information already prepared and made available by public television stations in connection with Federal funding mandates.

Paradoxically, the reporting burden imposed by the Commission's new rules on public television stations is far, far greater than the burden falling on other television stations by virtue of the amount of public television's local, independent and issue-responsive programming services (including entire DTV multicast streams devoted to such services), all of which will now have to be meticulously recorded and reported. The new rules in that sense provide a perverse punishment for those stations that are actually accomplishing what the FCC desires – the *more* responsive programming a station airs, the *greater* the reporting burden that station will bear.

The PTV Licensees estimate that the burden of the FCC's new rules on them will be considerable. The preparation of the old issues/programs list on a quarterly basis might take a few hours of staff time, as stations were able to select a few issues of particular importance and provide examples of

programming best addressing those issues. The new requirement is much more akin to the preparation of exhaustive quarterly catalogs of programming and other information across multiple programming services. Many PTV Licensees estimate that the initial setup effort to prepare a Form 355 (among other things involving modifications to programming tracking software and changes to other record-keeping in order to try to compile the data on a continuing basis) could require tens of thousands of dollars of staff and consultant work, while greatly increased staff effort will be needed thereafter each quarter to actually compile the report.

The compliance burden for other stations with less significant local, independent and responsive programming will be less – probably far less – and those same stations are probably better able to bear such costs. For the PTV Licensees, however, the costs of compliance will inevitably create additional strain on their budgets and operations at a time when public stations can least afford them because of the unrecoverable costs of the digital transition and reductions in already scarce public and private revenues for public broadcasting. The result may end up being reduced programming services of the very sort the FCC hopes to encourage. Indeed, however well meaning, these rules may reign supreme in the annals of FCC regulation among misguided rules and policies that ultimately tend to generate results opposite from those that were intended.

The Association of Public Television Stations (“APTS”) and the Public Broadcasting Service (“PBS”) have filed a Joint Petition for Partial

Reconsideration and Clarification on these issues, urging that the Commission exempt all public television stations from the requirement to complete a quarterly standardized programming report. In the alternative, APTS and PBS urge that, if the Commission deems a standardized disclosure absolutely necessary, the Commission should either allow public television stations to file quarterly issues/programs lists and portions of the CPB Station Activities Survey and Station Activities Benchmarking Survey that address community outreach, issue-responsive programming, origin and types of programming, and amount of closed captioning, or it should revise the Standardized Television Disclosure Form, as it applies to public television stations, to more closely follow the format and content of the CPB surveys. APTS and PBS suggest that these changes would minimize the burden on public television stations while still ensuring that the Commission and the public have access to reliable and meaningful information on how the stations serve their communities.

The PTV Licensees fully endorse the positions taken by APTS and PBS in their Joint Petition, and urge the Commission to reconsider the new rules in the manner so suggested.

Online Public Inspection File Requirements

The Commission also decided to require all full power television stations to post their public files on their websites (except for political files and certain material on other sites that can be linked to from station sites).

Among other things, the FCC determined that the material so posted should comply with certain accessibility guidelines maintained by the World Wide Web Consortium.

The PTV Licensees do not object to the requirement of moving public file information to their websites (although the initial effort and expense to do so will be very considerable and there will be continuing expense as well, none of which have been budgeted). Nor do PTV Licensees have any disagreement with the concept of making websites accessible; indeed, public TV stations support efforts to make their services as widely accessible as possible. They are concerned, however, and they ask for clarification, about accessibility requirements for public file materials such as old FCC forms, maps, charts, graphs, antenna sketches, and so forth -- materials found in abundance in public files -- that are NOT readily made accessible without essentially having to recreate the entire documents in new formats and with additional information provided.

APTS and PBS have also addressed this issue in their Joint Petition, asking that the Commission interpret the accessibility requirement in a manner that acknowledges and minimizes the potentially significant burden on public television stations. APTS and PBS suggest, for example, that there might be a phase-in process that would permit stations merely to scan in pdf-format copies of old documents in the file, and only require special formats and content for documents going forward. The PTV Licensees would support such an approach.

Conclusion

For the foregoing reasons, the PTV Licensees seek reconsideration and clarification of the Commission's "enhanced disclosure" requirements, and they support the positions taken in this proceeding by APTS and PBS.

Respectfully submitted,

ALABAMA EDUCATIONAL TELEVISION
COMMISSION

ALASKA PUBLIC
TELECOMMUNICATIONS, INC.

ARKANSAS EDUCATIONAL TELEVISION
COMMISSION

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